

Court of Appeals, State of Michigan

ORDER

People of MI v Barry Linell Brady

Docket No. 290742

LC No. 2008-405998 FH

Henry William Saad  
Presiding Judge

Pat M. Donofrio

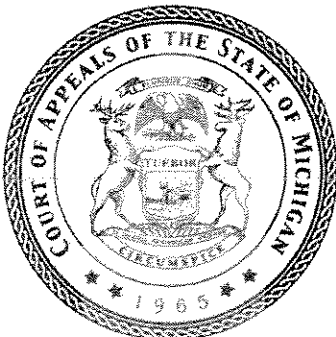
Deborah A. Servitto  
Judges

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The Court orders that, in lieu of granting delayed leave to appeal, the matter is REMANDED to the trial court so that appellant may file, within 14 days, a motion for resentencing. The trial judge failed to make an adequate record at sentencing in that he did not articulate substantial and compelling reasons for the sentencing guidelines departure and failed to address proportionality.

Appellant is to file a motion for resentencing within 14 days of the Clerk's certification of this order. **The trial court is to hear and decide the matter within 56 days of the Clerk's certification of this order.** Proceedings on remand are limited to the issue as raised in the delayed application for leave to appeal.

We do not retain jurisdiction.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

APR - 9 2009

Date

*Sandra Schultz Mengel*  
Chief Clerk